REMARKS

Claims 1-27 are currently pending in the application. Claims 1-27 were rejected. Reconsideration of rejected claims 1-27 is respectfully requested.

The Examiner rejected claims 1, 2, and 5-27 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,496,477 (Perkins). The Examiner also rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Perkins in view of U.S. Patent No. 5,751,956 (Kirsch). The rejections are respectfully traversed.

Perkins describes a process for sending real-time information from a sender computer to a receiver computer via a packet network. Packets containing the real-time information are directed from the sender to the receiver along at least one path in the network. Additional packets containing information which is dependent on the real-time information are directed from the sender to the receiver along at least one "path-diversity" path in the network. See Abstract and Summary. If one path from the sender to the receiver is intermittent, then the sender "inventively launches packets and their dependent packets as plural flows along plural paths 117 and 119 through network 100." The techniques provided by Perkins "make probable that the distinct streams of packets 111 and their dependent packets 113 will traverse different routes 119 and 117 through the network 100 from source 103 to destination 105. See Fig. 1 and column 6, lines 18-36.

There are several aspects of Perkins which should be noted. First, it is important to note that the packets traversing the different paths in Perkins are *distinct* packets, i.e., packets containing the real-time information vs. packets containing information *dependent* on the real-time information. Put another way, one set of packets is not a duplication of the other. It is also important to note it is the source of the packets, i.e., the sender, which "inventively launches packets and their dependent packets as plural flows along plural paths" (col. 6, lines 21-23).

By contrast, claim 1 of the present application recites "[a] method for replicating a plurality of original packets in a packet flow" in which the packet flow is received "with a first device" which identifies "the original packets in the packet flow according to at least one predetermined criterion." The first device generates "replicate packets corresponding to the original packets," transmits "the original packets...along the first routing path," and transmits the replicate packets...along a second routing path."
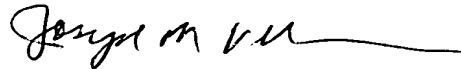
As noted above, Perkins teaches that it is the originating source of the packets which sends packets along different paths. Thus, Perkins does not teach a devices which *receives* a packet flow, *identifies* original packets according to a predetermined criterion, and then *transmits* packets along first and second paths. Because the sender computer of Perkins, e.g., source 103, is the originator of the packets it cannot receive the packet flow. Rather it generates a packet flow. In addition, Perkins does not teach a device which both identifies packets according to some criterion and then transmits those packets along two different paths.

In addition, Perkins teaches that the packets being sent by the sender computer along the two different routes, e.g., routes 119 and 117, are "distinct streams of packets 111 and their dependent packets 113" (col. 6, lines 33-34). Perkins further emphasizes the point that the packets in one route are not the same as those in the other by pointing out that the receiver computer, e.g., destination 105, then "determines whether a given packet is lost and then uses the information in a corresponding dependent packet to reconstruct the lost packet or to construct a semblance of the lost packet" (col. 6, lines 37-40). That is, lost packets must be "reconstructed" from the information in the corresponding dependent packet rather than simply replaced by them. Therefore, Perkins does not teach the generation of "replicate packets corresponding to the original packets," or the transmission of "the original packets...along the first routing path" and "the replicate packets...along a second routing path."

In view of the foregoing, the rejection of claim 1 over Perkins is believed overcome.

Because dependent claims 2-18 incorporate all of the limitations of independent claim 1, the

rejection of these claims are also believed overcome for at least the reasons discussed. Finally,

because independent claims 19-27 recite similar limitations as those recited in claim 1, these

claims are also believed patentable over the cited references for at least the reasons discussed

above with reference to claim 1.

In view of the foregoing, Applicants believe all claims now pending in this application

are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is

respectfully requested. If the Examiner believes a telephone conference would expedite

prosecution of this application, please telephone the undersigned at (510) 843-6200.

Respectfully submitted,
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